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*Via Electronic Mail Only*

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APR 18 2018

PROSECUTING ATTORNEY  
FOR SNOHOMISH COUNTY  
CIVIL DIVISION

TIME: \_\_\_\_\_

Re: Point Wells Remediation Information Requirements

Dear Matt:

As requested by you in our conversation of last week, we are forwarding this letter to outline the remediation and related information that will be provided at this stage of the SEPA review of the Point Wells project.

BSRE's consultants are in the process of completing the following analysis and reports in response to the County's prior requests for information related to the remediation of the site:

- A **hydrogeological report** will be submitted as part of a **CARA evaluation memorandum** and a **remediation memorandum** summarizing what is known about contamination at the site and presenting a conceptual cleanup approach. The remediation memorandum summarizes the regulatory process and the steps that need to be taken over the next several years prior to obtaining the required direction from the Dept. of Ecology. Long-term monitoring of groundwater quality will also be addressed qualitatively in the remediation memorandum. The CARA evaluation memorandum will include the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, as well as groundwater depth, flow direction, and gradient and a qualitative evaluation of contaminant transport based on potential releases to groundwater.
- A **geotechnical report**, to include on-site and off-site structural stability due to extended subgrade saturation and/or head loading of the permeable layer, including the potential impacts to downgradient properties, especially on hills with known side-hill seeps.
- A **phasing plan for project development** which, along with the remediation memorandum, explains that site cleanup can be done in conjunction with phased development.

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- **Set back requirements** for the development will be provided with the updated site plan and related materials.
- Confirmation that **infiltration of stormwater** has been eliminated from the conceptual design.

In addition to the materials described above, a **spill control plan** for the construction phase of the project was included in Section 1.9 Control Pollutants of the Stormwater Pollution Prevention Plan (SWPPP) dated March 11, 2011 previously submitted to the County. Included with the SWPPP is information related to the **recommendations for implementation and operation of activities**, including size limitations, monitoring, reporting, and best management practices during construction. We note that the **NPDES permit** required at the time of construction will cover guidelines for monitoring stormwater discharge from the site during construction.

The **remediation plan** to be approved by the Dept. of Ecology, with civil plans showing the **sequencing of the site remediation**, will be provided as part of the Dept. of Ecology's review to be undertaken as a later phase of the project's design and permitting process as directed by the Dept. of Ecology.

We note that during the remedial design phase of the project, the Dept. of Ecology under MTCA regulations (Chapter 173-340 WAC), will ensure compliance with substantive state and local requirements, including **setback requirements from critical area protection areas**, as well as setback requirements or separation requirements related to Dept. of Ecology or Washington Department of Health standards (including those contained in an Ecology-approved remediation plan).

- We also note that a mitigation plan for **impacts to critical areas** resulting from contaminant remediation activities necessary for site development will be provided as part of the remedial design prepared in accordance with the Dept. of Ecology approved Cleanup Action Plan. During remedial design, the Dept. of Ecology, under MTCA regulations (Chapter 173-340 WAC), will ensure compliance with substantive state and local requirements, specifically to include items such as critical area impacts.

In addition, **historic water quality data** for the site will be compiled during the remedial investigation phase of the remediation analysis and approval process. While it is known that the groundwater at the site is impacted by petroleum products, and that this circumstance is addressed to a limited degree by current monitoring, a more extensive review will be undertaken when the remediation process is commenced with the Dept. of Ecology.

The above described information will be provided based on the following guidance provided by the County, EA Engineering (the County's EIS consultant) and Hart Crowser (BSRI's environmental consultant).

MTCA/SMS process and its regulatory requirements; and, discuss protocols and institutional controls that will ultimately set out requirements and compliance methods for construction and long-term redevelopment of the site. For the EIS impact analyses (i.e. storm water, critical areas, environmental health), we propose that the analyses assume an existing/baseline condition subsequent to cleanup/remediation (underscore in original) (that is, the condition of the site after remediation has been accomplished). Baseline condition assumptions would be determined based on the various studies completed in conjunction with the cleanup/remediation to date, with specific feedback from Ecology; these assumptions would form the basis for evaluation of potential impacts associated with redevelopment. Therefore, only the probable significant environmental impacts and applicable mitigation measures related to redevelopment of the site post cleanup/remediation would be addressed in this DEIS; potential impacts associated with cleanup/remediation activities would be addressed through the separate Ecology process.

Our proposed approach to addressing the contaminated soils/remediation at the Point Wells site is consistent with the approach that we and others have successfully used on other projects with similar issues and has been consistent with Ecology's expectations. For example, this is the approach that we used on the following redevelopment projects: The Waterfront District in Bellingham, North Bay in Seattle, Port Gamble in Kitsap County and Quendall Terminals in Renton.

...

Confirmation that this approach was accepted by the County is evidenced by the County's February 2014 Declaration of Significance, a copy of which is included as Exhibit A, which confirms that "Ecology will be the SEPA lead for site cleanup."

Finally, in its October 6, 2017 Review Letter, the County acknowledged that "*Any future approval from Snohomish County for the site plan will be conditional on receipt of a letter from the Washington State Department of Ecology (DOE) certifying approval of adequate cleanup and mitigation plans. Any future approval of construction plans will be contingent on completion of the steps called for in the plans requiring DOE approval.*" (Emphasis added.) This statement by the County again confirms that the DOE, and not the County, is the reviewer of the remediation plan for the site.

This segregated approach is also reflected in initial drafts of the draft EIS prepared for the project by I/A Engineers. Attached as Exhibit B is draft EIS Chapter 2 (Project Description) which indicates on page 2-12 that "SEPA environmental review and oversight of future site cleanup/remediation will be provided separately by Ecology." Further, page 2-13 states that the Point Wells "DEIS impact analyses assume an existing/baseline condition subsequent to phased

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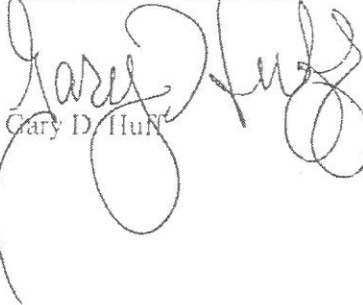
cleanup/remediation of the site." Draft Chapter 2 was reviewed by the County who provided its comments to this chapter; however, no comment on or objection to these statements were made by the County. In addition, Preliminary Draft EIS Section 3.5 (Environmental Health) (also attached to this letter as Exhibit C) states on page 3.5-4 that "this evaluation of the potential for environmental health-related impacts focuses on those impacts associated with the proposed redevelopment only." In sum, the County has long ago concurred with this segregated approach.

As instructed by the County, Hart Crowser has recently contacted EA Engineers and they have confirmed that EA Engineers has sufficient information to complete the draft EIS chapters related to the remediation of the site.

Based on all of the above, BSRE and EA Engineers have long ago proceeded with work on the project-specific EIS with the understanding that site remediation will be undertaken under the guidance and authority of a separate SEPA review led by the Dept. of Ecology and that under DOE's oversight a multi-year evaluation, review and implementation of the approved remediation will be conducted separate and apart from the project-specific EIS currently underway. By following this process the County should soon have all relevant information necessary and appropriate to allow it to properly review and evaluate the various project elements and impacts and should be assured that the specifics of the remediation process will be thoroughly reviewed, approved, and monitored by the Dept. of Ecology.

Sincerely,

KARR TUTTLE CAMPBELL



Gary D. Hunt

Enclosures

cc: BSRE Point Wells, LP  
Project Team